

FILED (D)

2014 AUG 21 P 3:24

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARL WILLIAMS AND HASSAN ALEEM
Creditor

v

In re:
CITY OF DETROIT, MICHIGAN
AND EMERGENCY MANAGER
KEVYN D. ORR

Chapter 9
Case No. 13-53846
Hon: Steven W. Rhodes

Debtor

OBJECTION TO NO EVIDENTIARY HEARING ON JURISDICTION

THE FOURTH AMENDMENT NOTICE WAS AFTER THE FACT, AND THERE WAS NO FIFTH AMENDMENT NOTICE IT WAS UNTIMELY, CONTRARY TO THE FACTS AND LAW MISREPRESENTATION OF THE BANKRUPTCY CODE AND RULES AND HAS NOT BEEN PRESENTED IN A GOOD FAITH MANNER.

We/I object to the Plan of Adjustment and Confirmation of the Plan because the court lack jurisdiction over the proper person that is Kevyn Orr the

emergency manager, because he not an elected official, nor was any consent given voluntary or otherwise. See Bankruptcy City of Harrisburg Pennsylvania, 465 B.R. 744 (Bankr. M.D.Pa 2011), In this case the court determined that this case should be dismissed because the City Council did not have the authority under the chapter law and third class city code to commence a bankruptcy case on the behalf of the city of Harrisburg and (2) the city of Harrisburg was not specifically authorized under state law to be a debtor under chapter 9 of the Bankruptcy code as required by 11 USC sect 109 (c) (2). In this case the circumstances are the same both officials are not authorized to file for Bankruptcy and Detroit have no legal state authority to be a debtor therefore, the court lack jurisdiction over the person which is Kevyn Orr and the subject matter being Bankruptcy and violated 11 U.S.C. 109 (c). "Only a municipal may file for relief under chapter 9 for bankruptcy." and Fed. R. Civ. Proc Rule 12 b (1), (2) and (h3) and the case should be dismissed.

Whenever it appears by suggestion of the parties or otherwise

that the court lack jurisdiction of the subject matter, the court shall dismiss the action. Fed R. Civ Proc. 12 (h) (3).

The bankruptcy was not file and has not proceeded in a good faith manner and contravened the bankruptcy codes 11 USC 903, 904, 923 and Fed.R.Bankr.

P. 9007, 9008, thus has failed to meet the requirement of title 11 U.S.C. 903,904, 923 and Bankruptcy Procedures Rules 9007and 9008 and has failed to meet the requirement of title 11 U.S.C. 921 (c) and should be dismissed, as required by 11 U.S.C. 921 (c).

We object because the court lacks jurisdiction and object under any continuing illegal jurisdiction of the case under any circumstance, however, if the court had jurisdiction "once jurisdiction is challenged, the court cannot proceed when its clearly appears that the courts lacks jurisdiction," the court has no authority to reach merits, but, rather, should dismiss the action." Melo v. US 505 F2d 1026 8th Cir 1974. There is no discretion to ignore that lack of jurisdiction. "Joyce US 4747 F2d 215 3rd Cir 1973. The burden shifts to the court to prove jurisdiction." Rosemond v. Lambert 469 F2d

416. The court must prove on the record, all jurisdiction facts related to the jurisdiction asserted. Lantana v. Hopper, 102 F2d 188; Chicago v. New York F supp 150.

The Order on the bankruptcy should be dismissed because Kevyn Orr is not an elected official and failed to get approval from the city therefore, the court lacks jurisdiction over the person the Emergency Manager, Kevyn Orr and lack's jurisdiction over the subject matter bankruptcy. The Jurisdiction is invalid and unconstitutional because the person was an unelected official and was not legally authorized to file for bankruptcy and the City of Detroit never legally agreed, approved or consented to the bankruptcy. There should have been at least an evidentiary hearing on the jurisdiction before moving forward.

I/We hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, under penalty of perjury and contempt of Court under the laws of the United States of America.

Sign Carl Z. Williams -

Address 10112 Somerset

City, State, & Zip Detroit Michigan 48224

Dated August 18, 2014

Sign Sasha Guburay
Address 16246 Linwood St.
City, State, & Zip Detroit, Mich 48221
Date 8-18-2014

Sign Mary Diane Bubowski
Address 9000 E. Jefferson #28-2
City, State, & Zip Detroit, Mich. 48214
Date 8-18-2014

Sign William M. Davis
Address 9203 Littlefield St
City, State, & Zip Detroit, Mich 48228
Date 8-18-2014

Sign Zassan Alcar
Address 2440 TAYLOR
City, State, & Zip DETROIT, MICH 48206
Date 8/18/14

Keina Berry
Name

510 Howbridge
Address

Detroit Mich 48202
City, State & Zip

Name

Address

City, State & Zip

James Oliver Gray
Name

5451 West Outer Dr.
Address

Detroit Mich, 48235
City, State & Zip

Name

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CARL WILLIAMS AND HASSAN ALEEM
Creditors

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In re:
CITY OF DETROIT, MICHIGAN
AND EMERGENCY MANAGER
KEVYN D ORR.

Chapter 9
Case No. 13-53846
Hon: Steven W. Rhodes

Debtors

PROOF OF SERVICES

Carl Williams, being first duly sworn deposes and
your name

Say that on August 18 2014. I sent a copy of objection to no evidentiary hearing
on jurisdiction, Upon the concern parties by certified mail at the following
address:

City of Detroit
Laboration Council
100 National Building
100 Woodward Ave
Detroit, Michigan 48226

Emergency Manager
Kenyn Orr
Coleman A Young Municipal Center
2 Woodward 11th floor
Detroit, Michigan 48226

I/We hereby certify that the statements made herein are true and correct to the best of my knowledge and belief, under penalty of perjury and contempt of Court under the laws of the United States of America.

Sign Carl Williams

Dated August 19 2014

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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

U.S. BANKRUPTCY COURT
E.D. MICHIGAN - DETROIT

CARL WILLIAMS AND HASSAN ALEEM
Creditors/Objectors,

v

In re:
City OF DETROIT, MICHIGAN
AND EMERGENCY MANAGER
KEVYN D. ORR

Debtor/City of Detroit

Chapter 9
Case No. 13-53846
Judge Steven W Rhodes

Case No. 14-cv-10434
Hon. Bernard A. Freidman
Magistrate Paul J. Komives

_____/

PROOF OF SERVICES

Carl Williams, being first duly sworn deposes and
your name

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following address:

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Detroit, Michigan 48226

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Sign Carl Williams

Dated August 21, 2014